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09/697,497	10/27/2000	Ronald Coleman	CITI0192-US	3524

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EXAMINER

AKINTOLA, OLABODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/697,497
Filing Date: October 27, 2000
Appellant(s): COLEMAN, RONALD

Eric L. Sophir
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed June 29, 2009 appealing from the Office action mailed November 25, 2008.

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(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,542,905	Fogel et al.	04-2003
6,526,358	Matthews et al.	02-2003

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6,192,360	Dumais et al.	02-2001
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(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fogel et al. (US 6542905) ("Fogel") in view of Mathews, Jr. et al (US 6526358) ("Mathews") and further in view of Dumais et al (US 6192360) ("Dumais").

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Re claims 1, 7: Fogel teaches a method comprising: identifying at least one variable of the a system (col. 4, lines 20-21, col. 5, lines 24-30); determining a first hypothesis about the at least one variable (col. 4, lines 47-50); identifying a change of value in the at least one variable of the system (col. 4, lines 37-43, col. 5, lines 63-65); determining by probabilistic induction at least one cause of the change of value in the at least one variable of the system (Abstract, col. 6, line 14 thru col. 7, lines 32).

Fogel does not explicitly teach risk assessment system; providing an initial probability of the first hypothesis about the at least one variable, wherein the initial probability has a range greater than 0.0 and less than 1.0; and evaluating the initial probability of the first hypothesis based on the at least one cause. However, Fogel teaches applicability in financial service industry including risk factors for quality indicator or performance measure (col. 3, lines 14-30; col. 10, lines 31-33). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fogel to include risk assessment system. One would have been motivated to do so in order to identify data integrity issues.

Mathews teaches providing an initial probability of the first hypothesis about the at least one variable, wherein the initial probability has a range greater than 0.0 and less than 1.0 (col. 6, lines 43-49: “*initial knowledge (a priori information) as to the probability of a fault occurring ($P_{ap}(H_i)$)*..); evaluating the initial probability of the first hypothesis based on the at least one cause (col. 6, lines 19-64). Dumais in the same field of art (Bayesian networks) teaches that this initial knowledge represents a prior probability assigned to a given hypothesis i (col. 3, lines 35 - 67). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fogel to include these steps as taught by Matthews and evidenced by Dumais. One would

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have been motivated to do so in order to determine the statistical accuracy of the hypothesis, thereby enhancing the functionality of the process.

Fogel in view of Matthews in view of Dumais hereinafter referred to as “Modified Fogel”

Re claims 2 and 3: Modified Fogel teaches input and output (Fogel: see figure)

Re claim 4: Modified Fogel teaches external data (Fogel: see figure)

Re claim 5: Modified Fogel teaches server (Fogel: see figure)

Re claim 6: Modified Fogel teaches observable information (Fogel: see figure)

Re claims 8: Modified Fogel teaches hypothesizing that the at least one variable has not changed (col. 4, lines 47-50)

Re claim 9: Modified Fogel teaches providing a prior probability of the at least one variable and providing an initial conditional probability of the at least one variable (Dumais: col. 3, lines 35-67)

(10) Response to Argument

The Examiner summarizes the various points raised by the Appellant and addresses them individually.

A. Rejection of claims 1-9 under 35 U.S.C. § 103(a) as unpatentable over Fogel et al. (US 6542905) (“Fogel”) in view of Mathews, Jr. et al (US 6526358) (“Mathews”) and further in view of Dumais et al (US 6192360) (“Dumais”).

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1. Regarding independent claim 1, Appellant asserts that Matthews fail to teach “evaluating the initial probability of the first hypothesis based on at least on cause (see Appeal Brief, pages 3-4).

In Response to (1): Appellant’s argument is not persuasive. Matthews teaches this concept at col. 6, lines 19-64. Appellant described how the "evaluation" is carried out in the instant application from the specification (see appeal brief, page 3). However, this evaluation process is not described in the claims. The term evaluation is a broad term that could mean measuring, calculating, displaying, estimating, determining, viewing, analyzing, etc. In the absence of process(es) that defines the evaluating step, examiner has given this term the broadest reasonable interpretation. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner’s answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,
/Olabode Akintola/
Examiner, Art Unit 3691
August 10, 2009

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